

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 3289 of 2005(N)

PETITIONER:

DR.Y.ABRAHAM AJITH,
ASSISTANT SURGEON, TALUK HEADQUARTERS HOSPITAL,
NEDUMANGAD.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN

RESPONDENTS:

1. THE STATE OF KERALA, REP. BY SECRETARY
TO GOVERNMENT,HEALTH & FAMILY WELFARE DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.
2. THE DIRECTOR OF HEALTH SERVICES,
DIRECTORATE OF HEALTH SERVICES,
THIRUVANANTHAPURAM.
3. DIRECTOR OF MEDICAL EDUCATION,
GOVERNMENT OF KERALA,A THIRUVANANTHAPURAM.
4. THE COMMISSIONER OF ENTRANCE
EXAMINATIONS, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE NOTICE DT.4.8.2001 ISSUED TO PETITIONER.

P2: TRUE COPY OF ORDER DT.25.6.2004.

P3: TRUE COPY OF COMMUNICATION DT.22.11.2004 FROM THE SUPERINTENDENT TO THE D.M.O.

P4: TRUE COPY OF COMMUNICATION DT.20.11.2004 ADDRESSED TO THE PETITIONER.

P5: TRUE COPY OF ANNEXURE FORMING PART OF THE APPLICATION FOR ADMISSION TO THE ENTRANCE EXAMINATION FOR POST GRADUATE MEDICAL COURSE BY CANDIDATES APPLYING ON SERVICE QUOTA.

P6: TRUE COPY OF JUDGMENT IN SESSIONS CASE NO.35/2003 OF THE SESSIONS COURT, KANYAKUMARI DIVISION DT.16.8.2005.

P7: TRUE COPY OF ORDER IN CRL. M.C. NO.4006/2002 DT.21.3.2006 OF THIS HON'BLE COURT.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.3289 of 2005
.....

Dated this the 22nd day of March, 2007.

JUDGMENT

Disciplinary proceedings were initiated against the petitioner while he was in Government service as a Doctor on the ground that he was engaged in private practice in Tamil Nadu where a surgery conducted by him led to death of the patient. Senior counsel appearing for the petitioner submitted that case booked in Tamil Nadu is a bogus one and petitioner was acquitted. I do not think there is any necessity for this court to enter into any finding on facts pertaining to the disciplinary action initiated against the petitioner. Since Memo of Charges was issued against the petitioner on 20.11.2004, W.P. is disposed of with direction to the Director of Health Services to complete the enquiry and issue final orders in the matter within a period of three months from the date of production of copy of this judgment by the petitioner.

C.N.RAMACHANDRAN NAIR

Judge

pms